

Appl. No. 10/016,413  
Amdt Dated Jan. 28, 2005  
Reply to Office Action of Nov. 02, 2004

### **REMARKS**

Applicant appreciates the Examiner's allowance of claims 1-15 and indication of allowability of claim 19.

#### ***Rejections under 35 U.S.C. 103***

Claims 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0081399 to Davis et al in view of USP 5,992,955 to Yang, and USP 6,053,586 to Cook et al.

Applicant has submitted the declaration under 1.131 to predate the Davis reference by showing that the instant application has an **invention date** of 10/12/2001, which is the counter Taiwan application's filing date and is earlier than the filing date of the Davis reference, i.e., 11/01/2001, under diligence in constructive reduction to practice with filing of the instant application.

By removing the Davis reference, Yang and Cook no longer render obvious claims 16-18 and 20. Allowance and reconsideration of claims 16-20 are respectfully requested.

Moreover, disregarding swearing back the invention date, in claim 20, a unitary base includes a bottom plate and a rear plate, and a lengthwise axis defined as perpendicular to the rear plate. A vertical side panel is releasably attached to the base along said lengthwise axis. A horizontal top panel is releasably attached to the base along said lengthwise axis. A locking mechanism is attached to the base and vertically extends substantially along a corner formed by said rear plate and said side panel. The locking mechanism is movable along a vertical direction perpendicular to said lengthwise axis, and between a locked position in which both the side and top panels are retained to the base by the locking mechanism and can not be moved along the lengthwise axis, and an unlocked position in which the side and top panels are capable of being independently released from the base along

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said lengthwise axis.

Applicant cannot agree with Examiner's allegation that Cook et al. teaches the locking mechanism movable between a locked position in which two panels are retained to the base by the locking mechanism, and an unlocked position in which both panels are capable of being independently released from the base. In fact, the locking mechanism of Cook et al. has one end (66) engagingly connected to the panel (24). When the locking mechanism is moved from a locked position to an unlocked position, the locking mechanism disengages the cover (22), but cannot disengage the panel (24). Details are disclosed in line 47-66, col. 3 of Cook et al.. Without disclosure of using one locking mechanism to engage or disengage two panels, one cannot apply the features of Yang to Davis et al. in order to obtain the claimed invention.

Furthermore, none of the cited references discloses that a vertical side panel and a horizontal top panel are releasably attached to the base along a lengthwise axis perpendicular to the rear plate. In fact, Davis et al. only discloses a rotational side panel. Yang discloses a top panel being attached in a direction perpendicular to the rear plate, but discloses a side panel (having no relation with the locking mechanism of the top panel) being attached in a vertical direction which is parallel to the rear plate. Cook et al. discloses a side panel being attached in a vertical direction, not a direction perpendicular to the rear plate.

Examiner cannot determine obviousness by ignoring some features of claim 20. Accordingly, even if the Davis references is used to combine the other two cited references, one still cannot obtain the claimed invention.

Accordingly, claim 20 as deemed by Applicant is patentable over the cited references, and should be allowable.

In view of the foregoing, the subject application is believed to be in a condition for allowance and an action to such effect is earnestly solicited.

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Attachment: Declaration under 1.131